

DEPARTMENT OF EDUCATION - OFFICE OF FISCAL SERVICES
REQUEST and NOTICE OF EXEMPTION FROM PROCUREMENT

PART I - REQUEST FOR EXEMPTION FROM PROCUREMENT

1. TO: DOE Chief Procurement Officer (**send completed original form to OFS Procurement and Contracts Branch**)

FROM: OCISS/Curriculum and Instruction Branch/Special Education Section
(Name of School or Program)

The school/program named above requests a procurement exemption as follows below.

2. This exemption is requested pursuant to:
☐ §103D-102(b)(4), HRS and Chapter 3-120, HAR or
☒ §103F-101(a)(4), HRS and Chapter 3-141, HAR

3. Island/District: ☒ Statewide or
☐ Oahu ☐ Hawaii ☐ Kauai ☐ Maui

4. Description of the proposed purchase (attach additional sheets if necessary):
Indicate one category: ☐ good ☐ service ☐ construction ☒ Health/Human service ☐ professional service

Brief description: Direct skilled nursing treatment services to students requiring the service(s) during school hours in order to benefit from a free appropriate public education (FAPE). These services are required under the Individuals with Disabilities Education Act of 2004 (IDEA) and Section 504 of the Rehabilitation Act of 1973 for eligible students.

5. Vendor Information
Name: Nursefinders
Address: 615 Piikoi Street, 6th Floor
Honolulu, Hawaii 96814

6. Term of Contract
From: 4/1/2010 or upon
approval, if sooner
To: 12/31/2010

7. Total Cost:
\$700,000

8. Explanation describing how procurement by competitive means is either **not practicable** or **not advantageous** to the State (attach additional sheets if necessary):

These services were previously (and currently) provided by the State of Hawaii Department of Health (DOH). However, the DOH is no longer able to ensure the service and funding provisions on behalf of the Department of Education (DOE) to provide the direct and contracted skilled nursing services for certain eligible students under IDEA and/or Section 504. The DOH maintains that it will not be able to continue to provide the previous service provision and funding for the contracts it procured on behalf of the DOE. In order to ensure that these services are provided, the DOE is currently working on a Request for Proposals (RFP) for these services. However, once the DOH discontinues services, the DOE must still provide services until such time that the RFP process is completed and contract(s) awarded. It is anticipated that contract(s) will be in place by end of the calendar year. It is not practicable for the DOE to competitively procure these services during this interim period. Services are mandated and must be provided continuously without breaks in services due to the transition of the program from the DOH to the DOE.

9. Details of the process or procedure to be followed in selecting the vendor to **ensure maximum fair and open competition** as practicable (attach additional sheets if necessary):

The DOH previously conducted RFP's for Health and Human Services. The DOH holds current contracts with Nursefinders and other secondary providers (i.e., CareResource Hawaii, Cradles N' Crayons, Mastercare Inc., and Nurses Just for Kids). The DOE plans to negotiate acceptable terms based on the DOH's existing contract with Nursefinders who is the primary DOH contractor and currently providing approximately 90-95% of the nursing services to the DOE schools at this time.

<p>10. A description of the school/program internal controls and approval requirements for the exempted procurement (attach additional sheets if necessary):</p> <p>The Medically Fragile program manager will continue to work with the DOH, under an amended Memorandum of Agreement, to provide district and school level support via initial assessments of DOE students, making nursing service level recommendations at school team meetings, and monitoring of the contracted nursing services on behalf of the DOE to include staffing ratios, continuity of care, attendance, quality of services, and to assist the schools and program manager when disputes arise.</p> <p>Administration to review Medicaid invoices and billing submissions, as appropriate.</p> <p>Contract to be developed with PCB and Administrator's involvement to ensure best interests of the DOE are protected.</p>																						
<p>11. List of school/program personnel who will be involved in the approval process and administration of the contract (attach additional sheets if necessary):</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Name</th> <th style="text-align: left; border-bottom: 1px solid black;">Title</th> <th style="text-align: left; border-bottom: 1px solid black;">Involvement in process</th> </tr> </thead> <tbody> <tr> <td>Bill Patterson</td> <td>Program Manager</td> <td><input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration</td> </tr> <tr> <td>Debra Farmer</td> <td>Administrator</td> <td><input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration</td> </tr> <tr> <td>Kathleen Nishimura</td> <td>Director</td> <td><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration</td> </tr> <tr> <td>Daniel Hamada</td> <td>Assistant Superintendent</td> <td><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Approval <input type="checkbox"/> Administration</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Approval <input type="checkbox"/> Administration</td> </tr> </tbody> </table>		Name	Title	Involvement in process	Bill Patterson	Program Manager	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration	Debra Farmer	Administrator	<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Administration	Kathleen Nishimura	Director	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration	Daniel Hamada	Assistant Superintendent	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Administration			<input type="checkbox"/> Approval <input type="checkbox"/> Administration			<input type="checkbox"/> Approval <input type="checkbox"/> Administration
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<p>12. This exemption should be recommended to the Procurement Policy Board to be considered for the list of exemptions attached to Chapter 3-120 or 3-141, HAR: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>																						
<p>13. I hereby certify that the information provided above is, to the best of my knowledge, true and correct; and that all applicable statutory, administrative, policy and procedures have or shall be complied with.</p> <p><u><i>Kathleen Nishimura, Administrator</i></u> <u>3/9/10</u></p> <p>Administrator's Signature & Title Date</p>																						
<p>PART II - NOTICE OF EXEMPTION FROM PROCUREMENT</p>																						
<p>The school/program named below intends to exempt the goods, services, or construction (as described in the request above) from procurement for good cause. The Chief Procurement Officer is in the process of reviewing this request.</p>																						
<p>Inquiries and questions about this request may be directed to:</p> <p>Name/Title: Bill Patterson, Program Manager</p> <p>School/Program: OCISS/CIB/SES/Medically Fragile Program</p> <p>Address: 475 22nd Avenue, Bldg. 302, Room 118 Honolulu, Hawaii 96816</p> <p>Telephone No.: 808-203-5565</p> <p>email address: bill_patterson@notes.k12.hi.us</p>	<p>Written objections to this Notice of Exemption must be received within seven (7) calendar days from the date this notice was posted, and shall be directed to:</p> <p>Chief Procurement Officer, Department of Education Procurement & Contracts Branch, OFS 94-275 Mokuola Street, Room 200 Waipahu, Hawaii 96797 Telephone Number: 808-675-0130 Email address: DOEprocure@notes.k12.hi.us</p>																					
<p>Reserved for Procurement Office Use</p>																						
<p>14. Chief Procurement Officer's Comments:</p> 																						
<p>15. <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> No Action</p> <p style="text-align: right;">Kathryn S. Matayoshi, Interim Superintendent & CPO Date</p> <p>c: Administrator, State Procurement Office</p>																						